

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**RECEIVED**  
**DEC 20 1999**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Implementation of )  
Video Description of )  
Video Programming )

MM Docket No. 99-339

DOCKET FILE COPY ORIGINAL

**NATIONAL ASSOCIATION OF BROADCASTERS AND  
MOTION PICTURE ASSOCIATION OF AMERICA  
JOINT MOTION FOR EXTENSION OF TIME OF COMMENT  
AND REPLY COMMENT DEADLINES**

Pursuant to 47 C.F.R. § 1.46, the National Association of Broadcasters ("NAB")<sup>1</sup> and the Motion Picture Association of America ("MPAA")<sup>2</sup> request that the Commission extend the comment and reply comment deadlines in the above-captioned proceeding by thirty (30) days each. These comment and reply comment deadline dates are currently set at January 24, 2000 and February 23, 2000, respectively. As discussed below, NAB and MPAA believe there is good cause for the Commission to provide a brief extension of the deadlines in this proceeding. We recommend the adoption of revised comment and reply comment dates of February 23, 2000 and March 24, 2000, respectively.

In this proceeding, the Commission proposes, *inter alia*, that commercial television broadcasters affiliated with the four major networks in the top 25 television markets, and the

---

<sup>1</sup> NAB is a nonprofit, incorporated association of television and radio stations and broadcast networks which serves and represents the American broadcast industry.

<sup>2</sup> MPAA is a trade association representing seven major producers and distributors of theatrical motion pictures and entertainment programming for television, cable, home video and other delivery systems. Its members include Buena Vista Pictures Distribution, Inc. (The Walt Disney Company); Sony Pictures Entertainment Inc.; Metro-Goldwyn-Mayer Inc.; Paramount Pictures

No. of Copies rec'd  
List ABCDE

041

larger multichannel video programming distributors, provide a specified amount of programming with “closed” video description.<sup>3</sup> To aid in evaluating its proposals, the Commission also specifically sought comment on a variety of issues, including the types of entities that should be responsible for compliance with video description rules; the types of video programming that should be described and the cost of describing that programming; the number of television stations that are SAP-equipped and the cost of upgrading stations that are not; other uses of the SAP channel and the extent to which these competing uses conflict with video description; copyright law questions raised by the provision of video description; the appropriate timetable for implementation of the initial and any further requirements to provide described programming; and how the conversion to digital broadcasting may affect or be affected by adoption of description requirements. To provide informed comments on this wide range of issues, NAB and MPAA believe that additional time is needed to obtain detailed information from television stations, the broadcast networks, and the creative community.

Specifically, NAB is currently conducting a survey of its television station members with regard to their SAP capabilities and, in particular, their uses of the SAP channel.<sup>4</sup> An extension of the comment period will aid NAB in completing this survey and in compiling and evaluating the results. NAB also expects to discuss the Commission's video description proposals at its

---

Corporation; Turner Broadcasting System Inc.; Twentieth Century Fox Film Corporation; Universal City Studios Inc.; and Warner Bros.

<sup>3</sup> See *Notice of Proposed Rulemaking* in MM Docket No. 99-339, FCC 99-353 at ¶ 20 (rel. Nov. 18, 1999) (“*Notice*”). “Closed” video description is provided on the Secondary Audio Programming (“SAP”) channel.

<sup>4</sup> NAB conducted a survey of television stations in 1996 focusing primarily on closed captioning, although that earlier survey did ask whether broadcasters provided any second language feeds on their SAP channels. The new survey pertains solely to broadcasters’ current SAP capabilities and their uses of the SAP channel, and should provide information directly relevant to this proceeding.

annual Board of Directors meeting scheduled for January 8-12, 2000. An extension will allow an adequate time period after the Board meeting for NAB staff to prepare comments consistent with the decisions made by the Board, in light of the results from the survey of NAB member stations.

Beyond NAB's efforts, its member broadcast networks are also involved in gathering information needed to prepare comments in this proceeding. Those networks are surveying their owned and affiliated stations as to their SAP capabilities and current SAP use. Moreover, they are examining the cost, as well as the technical and other implications of providing video description. In particular, the networks are analyzing whether their existing facilities require upgrading to be able to distribute, on a regular basis, programming with SAP channel audio to their owned and affiliated stations. The networks are also trying to determine the effect that video description requirements would have on their program production systems.<sup>5</sup> An extension of the comment period would allow the networks to complete their analyses of these important questions and obtain more pertinent information on which to base comments in this proceeding.

As the Commission realized in its *Notice* (at ¶ 23), it may well be producers (rather than the broadcast station and cable operator distributors) that will actually describe video programming. Thus, MPAA, whose members are major producers of programming for television stations and cable systems, is vitally concerned with the outcome of this proceeding. MPAA believes an extension of the comment period is necessary to permit MPAA to survey its members about current practices relating to video description; to research copyright laws

---

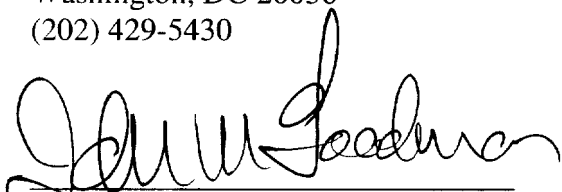
<sup>5</sup> For example, description requirements would not only affect the cost of program production, but also the length of time needed to produce a program. In addition, the creation of the second script necessary to provide video description raises new issues in the program production process (particularly as to whether such script constitutes a "derivative work" under copyright law). Discussions have begun with the creative community about these specific issues.

pertaining to derivative works; and to understand the contractual issues between producers and creators in this regard. For the foregoing reasons, NAB and MPAA respectfully request that the Commission extend the comment and reply comment deadlines in this proceeding by thirty (30) days each.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

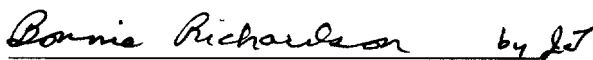
1771 N Street, NW  
Washington, DC 20036  
(202) 429-5430

A large, stylized handwritten signature in black ink, appearing to read 'H. L. Baumann', written over a horizontal line.

Henry L. Baumann  
Jack Goodman  
Jerianne Timmerman

**MOTION PICTURE ASSOCIATION  
OF AMERICA**

1600 Eye Street, NW  
Washington, DC 20006  
(202) 293-1966

A handwritten signature in black ink, appearing to read 'Bonnie Richardson', followed by the initials 'by let' written in a smaller, cursive script.

Bonnie Richardson

December 20, 1999